



## H.R. 2016 – NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

### EXECUTIVE SUMMARY

H.R. 2016 was introduced by Representative Raul Grijalva (D-AZ) on April 24, 2007. The House Committee on Natural Resources approved the bill, as amended, by a vote of 24 – 13 on March 12, 2008. H.R. 2016 is being considered on the floor under a structured rule on April 9, 2008.

The National Landscape Conservation System (NLCS) was created administratively by Interior Secretary Bruce Babbitt in 2000 to manage and preserve approximately 26 million acres of land administered by the Bureau of Land Management (BLM) in the western United States. H.R. 2016 would codify the NLCS. Committee Republicans have expressed concerns that, “The true purpose of H.R. 2016 is to prevent many locally popular, wholesome family recreational opportunities and almost all economic activities from taking place on 26 million acres of BLM land.”

According to the Congressional Budget Office, enacting H.R. 2016 would not have an impact on the BLM budget. The BLM already has permanent authority to manage the lands included in the system, and the BLM budget includes about \$50 million a year for the operation of the NLCS.

### FLOOR SITUATION

H.R. 2016 is being considered on the floor under a structured rule. The rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and the Ranking Minority Member of the Committee on Natural Resources.
- Waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI.
- Provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as an original bill for the purposes of amendment and shall be considered as read.
- Waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
- No amendments shall be in order except those amendments printed in the Rules Committee Report accompanying the resolution.
- Provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.
- Waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI.
- Provides one motion to recommit with or without instructions.



# LEGISLATIVE DIGEST

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## SUMMARY

H.R. 2016 codifies the NLCS and keeps it under the management of the BLM. The bill requires the Secretary of the Interior to manage the NLCS "in a manner that protects the values" of the lands designated as a part of the system. H.R. 2016 does not authorize new funding.

*\*Note: According to the Republican views section of the Committee Report, "The term 'values' is a wholly new concept to the BLM and this would be the first time legislation directing the management and operation of BLM interjects this nebulous, malleable term. This is not an accidental or trivial insertion of verbiage in the legislation; it was specifically plucked from the National Park Service's organic act in order to purposefully mandate broad and vague new management practices... this vague new management directive of 'values' is a perfect entree for more lawsuits."*

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## BACKGROUND

The NLCS was established administratively during the Clinton Administration in 2000 to manage certain BLM lands within the framework of a larger conservation system. Of the total BLM budget, \$50 million is used to run NLCS.

The NLCS consists of over 800 units and encompasses approximately 26 million acres of land, most of which are in the western states of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Utah, and Wyoming. The NLCS includes National Monuments, Natural Conservation Areas, parts of the National Trails System, and other lands that were statutorily or administratively designated, such as the Steens Mountain Cooperative Management and Protection Area. BLM lands managed through the NLCS system are utilized for a variety of different purposes, including grazing, camping, hunting, and the collection of solar energy.

*\*Note: The Steens Mountain Cooperative Management and Protection Area was designated as a protected area by the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460). H.R. 2016 does not modify this law, or any other law which established or manages any of the above areas.*

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## AMENDMENTS

*(Below is the summary of the amendment that was made in order by the Rules Committee and may be offered on the floor of the House of Representatives)*

1. Representative Raul Grijalva (D-AZ): The amendment reiterates that nothing in the bill shall impede efforts by the Department of Homeland Security to secure the borders of the United States.
2. Representative Chris Cannon: (R-UT): The amendment provides that the National Landscape Conservation System Act does not create an independent panel federal legal cause of action based on inclusion in the System.



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3. Representative Rob Bishop (R-UT): The amendment strikes the preamble to the establishment of the National Landscape Conservation System.
4. Representative Rob Bishop (R-UT): The amendment strikes Section 3(c)(2) and inserts language directing the Interior Secretary to manage the system in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b).
5. Representative Rob Bishop (R-UT): The amendment provides that inclusion in the National Landscape Conservation System does not additionally restrict or hinder energy development within the System.
6. Representatives Jason Altmire (D-PA)/Christopher Carney (D-PA): The amendment provides that the bill does not in any way limit access for hunting, fishing, trapping or recreational shooting on the 27 million acres administered by the Bureau of Land Management. It also provides that H.R. 2016 does not in any way infringe on a state's right to manage, control or regulate its hunting, fishing, trapping and recreational shooting activities on these lands.
7. Representative Steve Pearce (R-NM): The amendment provides that inclusion in the National Landscape Conservation System does not affect existing grazing rights or operations on those Bureau of Land Management Lands.
8. Representative Greg Walden (R-OR): The amendment strikes the Steens Mountain Cooperative Management and Protection Act of 2000 (PL 106-399) from the bill.

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## COST

According to the Congressional Budget Office, "enacting H.R. 2016 would have no effect on the BLM budget (which currently includes about \$50 million a year for the NLCS) because BLM already has permanent authority to manage the lands in the system, subject to amounts provided annually in appropriations acts."

[CBO cost estimate for H.R. 2016](#)

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## ADDITIONAL VIEWS

From the Republican views of the Committee Report: "For us to pass legislation delegating to the Secretary of the Interior of the moment and unelected bureaucrats within a federal land management agency a mandate to create a management regime to enforce legislatively undefined 'values' on a vast, resource rich part of the country is an unacceptable abdication of our responsibility as the policy setting branch of the government."

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## STAFF CONTACT

For questions or further information contact Justin Hanson at (202) 226-2302.